IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:12-CV-00080-F

ARTHUR O. ARMSTRONG,)	
Plaintiff,)	
v.))) MEMORANDUM AND) RECOMMENDATION
NORTH CAROLINA, et al.,)	
Defendants.)	
	_)	

This cause comes before the Court upon a complaint filed by Plaintiff (DE-1), which was referred to the undersigned for a memorandum and recommendation on whether Plaintiff has complied with the pre-filing injunction issued by this Court in <u>In re Armstrong</u>, No. 5:03-CV-941, 2006 WL 3408237, at *3 (E.D.N.C. January 18, 2006), *aff'd*, No. 06-1191 (4th Cir. April 20, 2006). (DE-5).

Plaintiff's persistent filing of frivolous documents compelled this Court to enter a standing order on January 18, 2006, in order to curtail his repeated litigation abuses without unduly restricting his access to the Court. (DE-3). Under the pre-filing injunction, any complaint filed by Plaintiff "must specifically identify the law(s) which plaintiff alleges was (were) violated and must allege all facts with specificity." The pre-filing injunction also requires the Court to determine whether the complaint is "repetitious and/or frivolous."

Here, Plaintiff appears to be complaining about his arrest for driving while impaired, but he has not alleged the facts with any specificity, contrary to requirements of the pre-filing injunction. Moreover, from the limited facts that are alleged, the undersigned concludes that Plaintiff's complaint is frivolous.

Thus, in accordance with the pre-filing injunction, the undersigned RECOMMENDS the following:

- (1) That Plaintiff's complaint be DISMISSED;
- (2) That Plaintiff be SANCTIONED \$350.00 (the amount of the filing fee); and
- (3) That an appeal from this order would be frivolous.

See, e.g., Dismissal Order (DE-19), <u>Armstrong v. Purdue</u>, No. 5:11-CV-73-FL (E.D.N.C. Sept. 7, 2011) (dismissal order comparable to that recommended also based on pre-filing injunction).

SO RECOMMENDED in Chambers at Raleigh, North Carolina on Thursday, March 1, 2012.

WILLIAM A. WEBB

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UNITED STATES MAGISTRATE JUDGE